

HOUSE BILL 11

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HB 131/02 - W&M

2003 Regular Session
3lr0419
CF 3lr0463

(PRE-FILED)

By: **Delegates Leopold, Rawlings, Flanagan, Cryor, and Boschert**

Requested: November 13, 2002

Introduced and read first time: January 8, 2003

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter School Act of 2003**

3 FOR the purpose of authorizing the county boards of education to be the public
4 chartering authorities for public charter schools in the State; establishing the
5 rights and duties of the county boards as public chartering authorities;
6 enumerating the entities that may or may not apply for a charter; permitting
7 existing public schools to convert to public charter schools under certain
8 circumstances; requiring the county boards to establish an application process
9 for charter schools; specifying certain application requirements; establishing
10 certain procedures for applicants; establishing an appeals process for applicants
11 who have been denied a charter; requiring the State Board to direct a county
12 board to grant a charter under certain circumstances; requiring certain charter
13 agreements between the public charter schools and the county boards;
14 establishing certain rights and duties of public charter schools; establishing an
15 admissions policy for public charter schools; prohibiting the charging of tuition
16 and certain fees at public charter schools; establishing certain requirements for
17 construction and development of facilities for public charter schools; authorizing
18 the State Board of Education or the county boards of education to grant public
19 charter schools certain waivers under certain circumstances; requiring the
20 county boards to provide certain funding for public charter schools; authorizing
21 negotiations between the public charter schools and the county boards
22 concerning certain funding; requiring public charter schools and the parents of
23 students at the schools to provide for transportation of the students attending
24 the schools; authorizing negotiations between the public charter schools and the
25 county boards concerning transportation; requiring a member of the
26 professional staff to hold a certain certification; specifying certain rights for
27 employees of public charter schools; establishing a general grievance and
28 appeals process for certain persons; requiring the county boards to grant initial
29 charters for public charter schools for up to a certain number of years; providing
30 that the county boards may renew charters for subsequent periods for up to a
31 certain number of years; requiring a certain review for renewal of a charter;
32 requiring annual assessments of public charter schools; requiring dissemination
33 of certain reports by charter schools; establishing the conditions for revocation of
34 the charters, as well as an appeals process; permitting county boards to recover

1 certain property from former public charter schools; specifying the rights of
2 students at public charter schools; authorizing the county boards to recover
3 certain unspent funds from public charter schools; authorizing the State Board,
4 in consultation with the county boards, to adopt regulations pertaining to public
5 charter schools; defining a certain term; requiring the State Board to submit an
6 evaluation and report concerning public charter schools by a certain date; and
7 generally relating to the establishment of public charter schools in the State.

8 BY repealing and reenacting, without amendments,
9 Article - Education
10 Section 1-101(d), (e), (f), and (l)
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2002 Supplement)

13 BY adding to
14 Article - Education
15 Section 9-101 through 9-121, inclusive, to be under the new title "Title 9. Public
16 Charter School Program"
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Education**

22 1-101.

23 (d) "County board" means the board of education of a county and includes the
24 Baltimore City Board of School Commissioners.

25 (e) (1) "County superintendent" means the county superintendent of schools
26 of a county.

27 (2) "County superintendent" includes the Chief Executive Officer of the
28 Baltimore City Board of School Commissioners and the Chief Executive Officer of the
29 New Prince George's County Board of Education.

30 (f) "Department" means the State Department of Education.

31 (l) "State Board" means the State Board of Education.

1 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

2 9-101.

3 IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

4 (1) IS CREATED IN ACCORDANCE WITH § 9-103 OF THIS TITLE
5 AUTHORIZING THE GRANTING OF CHARTERS TO SCHOOLS;

6 (2) IS DEVELOPED AS A NEW PUBLIC SCHOOL OR IS ADAPTED FROM AN
7 EXISTING PUBLIC SCHOOL UNDER THIS TITLE;

8 (3) IS OPERATED UNDER COUNTY BOARD AND STATE BOARD
9 SUPERVISION AND DIRECTION;

10 (4) HAS A SPECIFIC ACADEMIC FOCUS AND SET OF EDUCATIONAL
11 GOALS ON WHICH THE APPLICANT AND THE AUTHORIZED PUBLIC CHARTERING
12 AGENCY AGREE;

13 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
14 EDUCATION, OR BOTH; AND

15 (6) IS NONSECTARIAN IN ITS PROGRAMS, ADMISSIONS POLICIES,
16 EMPLOYMENT PRACTICES, AND ALL OTHER OPERATIONS AND IS NOT AFFILIATED
17 WITH A SECTARIAN SCHOOL OR RELIGIOUS INSTITUTION.

18 9-102.

19 (A) THE GENERAL ASSEMBLY FINDS THAT:

20 (1) PUBLIC CHARTER SCHOOLS, AS PART OF THE PROGRAM OF PUBLIC
21 EDUCATION OFFERED IN THE STATE, CAN:

22 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

23 (II) SERVE AS A MODEL FOR THE IMPLEMENTATION OF NEW
24 EDUCATIONAL APPROACHES; AND

25 (2) THESE INNOVATIVE LEARNING OPPORTUNITIES AND NEW
26 EDUCATIONAL APPROACHES CAN LEAD TO IMPROVEMENT IN THE EDUCATION OF
27 STUDENTS.

28 (B) THE GENERAL ASSEMBLY FURTHER FINDS THAT PUBLIC CHARTER
29 SCHOOLS:

30 (1) INCREASE THE EDUCATIONAL CHOICES AVAILABLE TO PARENTS
31 AND STUDENTS;

32 (2) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS;
33 AND

1 (3) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND
2 DEVELOPMENT.

3 9-103.

4 (A) THE PUBLIC CHARTERING AUTHORITY FOR THE ESTABLISHMENT OF
5 PUBLIC CHARTER SCHOOLS IS THE COUNTY BOARD.

6 (B) AS THE PUBLIC CHARTERING AUTHORITY, A COUNTY BOARD:

7 (1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER
8 SCHOOLS;

9 (2) SHALL MAKE AVAILABLE FOR DISSEMINATION INFORMATION
10 CONCERNING THE ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC
11 CHARTER SCHOOLS IN THE COUNTY;

12 (3) MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A
13 PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS; AND

14 (4) SHALL PROVIDE INSTRUCTIONAL AND FISCAL SUPERVISION TO A
15 PUBLIC CHARTER SCHOOL.

16 9-104.

17 (A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE
18 SUBMITTED TO A COUNTY BOARD BY:

19 (1) THE STAFF OF A PUBLIC SCHOOL;

20 (2) THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE
21 PUBLIC SCHOOLS IN THE COUNTY;

22 (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

23 (4) ANY COMBINATION OF THE STAFF OF A PUBLIC SCHOOL, THE
24 PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN THE
25 COUNTY, AND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

26 (B) AN APPLICANT MAY ENGAGE THE SERVICES OF A NONPROFIT
27 CORPORATION IN THE ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL.

28 (C) A COUNTY BOARD MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

29 (1) A PRIVATE SCHOOL;

30 (2) A PAROCHIAL SCHOOL; OR

31 (3) A HOME SCHOOL.

1 9-105.

2 (A) A COUNTY BOARD SHALL:

3 (1) DETERMINE WHETHER TO ALLOW EXISTING PUBLIC SCHOOLS
4 LOCATED IN THE COUNTY TO APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL;
5 AND

6 (2) ESTABLISH POLICIES AND REGULATIONS RELATING TO STUDENTS
7 WHO ATTEND A PUBLIC SCHOOL BEING CONSIDERED FOR CONVERSION.

8 (B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, AN EXISTING PUBLIC
9 SCHOOL MAY APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL IF:

10 (1) AT LEAST TWO-THIRDS OF THE STAFF OF THE EXISTING PUBLIC
11 SCHOOL AND AT LEAST TWO-THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS
12 WHO ATTEND THE EXISTING PUBLIC SCHOOL SIGN A PETITION REQUESTING
13 CONVERSION;

14 (2) THE PETITION CALLS FOR AN ELECTION BY SECRET BALLOT
15 CONDUCTED BY THE COUNTY BOARD TO DETERMINE IF THE SCHOOL SHOULD
16 BECOME A PUBLIC CHARTER SCHOOL; AND

17 (3) AT LEAST TWO-THIRDS OF THE STAFF OF THE EXISTING PUBLIC
18 SCHOOL AND AT LEAST TWO-THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS
19 WHO ATTEND THE EXISTING PUBLIC SCHOOL VOTE TO SUPPORT THE CONVERSION
20 OF THE SCHOOL TO A PUBLIC CHARTER SCHOOL.

21 9-106.

22 (A) A COUNTY BOARD SHALL DEVELOP AN APPLICATION PROCESS FOR
23 PUBLIC CHARTER SCHOOLS IN THE COUNTY.

24 (B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:

25 (1) THE IDENTITY OF THE APPLICANT OR APPLICANTS;

26 (2) THE PROPOSED NAME OF THE SCHOOL, WHICH SHALL CONTAIN THE
27 TERM "PUBLIC CHARTER SCHOOL";

28 (3) TO THE EXTENT POSSIBLE, THE LOCATION AND A DESCRIPTION OF
29 THE SCHOOL FACILITY;

30 (4) THE PROPOSED STRUCTURE OF THE GOVERNING BOARD OF THE
31 SCHOOL, INCLUDING:

32 (I) THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND

33 (II) THE METHOD OF APPOINTMENT OR ELECTION OF THE
34 MEMBERS;

- 1 (5) WITH REGARD TO THE PURPOSE OF THE PUBLIC CHARTER SCHOOL:
- 2 (I) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE
3 SCHOOL; AND
- 4 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;
- 5 (6) A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE
6 OR LOCAL REGULATIONS THAT THE SCHOOL INTENDS TO REQUEST;
- 7 (7) THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;
- 8 (8) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;
- 9 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;
- 10 (10) A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO
11 ENSURE SIGNIFICANT PARENT AND COMMUNITY INVOLVEMENT IN THE PLANNING
12 AND THE OPERATION OF THE PUBLIC CHARTER SCHOOL;
- 13 (11) THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL;
- 14 (12) THE ADMISSIONS POLICY; AND
- 15 (13) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE
16 BOARD REQUIRES.

17 9-107.

- 18 (A) A COMPLETED APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL
19 SHALL BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE
20 PUBLIC CHARTER SCHOOL WILL BE LOCATED AT LEAST 425 DAYS BEFORE THE DATE
21 ON WHICH THE APPLICANT WISHES TO OPEN THE SCHOOL.
- 22 (B) (1) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER
23 A DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.
- 24 (2) THE COUNTY BOARD MAY DELAY RENDERING A DECISION FOR AN
25 ADDITIONAL 60 DAYS FOR CAUSE.
- 26 (3) THE COUNTY BOARD MAY USE THE SERVICES OF AN OUTSIDE
27 AGENCY IN THE EVALUATION OF THE APPLICATION.
- 28 (C) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC
29 CHARTER SCHOOL, THE COUNTY BOARD SHALL INCLUDE WITH THE DENIAL THE
30 REASONS FOR THE DENIAL.
- 31 (D) IF THE APPLICATION IS DENIED, THE APPLICANT MAY APPEAL THE
32 DECISION TO THE STATE BOARD.
- 33 (E) THE DECISION OF THE STATE BOARD IS FINAL.

1 (F) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC
2 CHARTER SCHOOL AND THE STATE BOARD REVERSES THE DECISION, THE STATE
3 BOARD SHALL DIRECT THE COUNTY BOARD TO GRANT A CHARTER.

4 (G) AN APPLICANT THAT IS DENIED A CHARTER MAY REAPPLY FOR A
5 CHARTER AFTER 1 YEAR FROM THE DECISION OF:

6 (1) THE COUNTY BOARD; OR

7 (2) THE STATE BOARD, IF THE DENIAL WAS APPEALED TO THE STATE
8 BOARD.

9 9-108.

10 (A) (1) THE STATE BOARD MAY GRANT A WAIVER TO A PUBLIC CHARTER
11 SCHOOL FROM SPECIFIC STATE EDUCATION REGULATIONS AND REQUIREMENTS.

12 (2) THE COUNTY BOARD MAY GRANT A WAIVER TO A PUBLIC CHARTER
13 SCHOOL FROM SPECIFIC LOCAL EDUCATION REGULATIONS AND REQUIREMENTS.

14 (B) A PUBLIC CHARTER SCHOOL MAY BE GRANTED A WAIVER UNDER
15 SUBSECTION (A) OF THIS SECTION IF THE SCHOOL DEMONSTRATES THAT A WAIVER
16 WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL.

17 (C) THE STATE BOARD OR A COUNTY BOARD MAY NOT WAIVE A REGULATION
18 OR REQUIREMENT PERTAINING TO THE CIVIL RIGHTS OR THE HEALTH AND SAFETY
19 OF A STUDENT.

20 9-109.

21 (A) A CHARTER THAT IS GRANTED BY A COUNTY BOARD TO A PUBLIC
22 CHARTER SCHOOL SHALL CONSTITUTE A CONTRACT BETWEEN THE SCHOOL AND
23 THE COUNTY BOARD.

24 (B) THE CHARTER SHALL INCLUDE ALL AGREEMENTS BETWEEN THE PUBLIC
25 CHARTER SCHOOL AND THE COUNTY BOARD, INCLUDING:

26 (1) ANY WAIVERS OF SPECIFIC STATE AND LOCAL EDUCATION
27 REGULATIONS OR REQUIREMENTS GRANTED TO THE SCHOOL;

28 (2) MATTERS RELATING TO THE OPERATION OF THE SCHOOL,
29 INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE
30 RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION
31 OF GIFTS AND GRANTS;

32 (3) AUDIT REQUIREMENTS;

33 (4) A PERFORMANCE AGREEMENT REQUIRING THAT THE ACADEMIC
34 ACHIEVEMENT OF THE STUDENTS ENROLLED AT A PUBLIC CHARTER SCHOOL BE
35 MEASURED ACCORDING TO:

1 (I) STATE ASSESSMENTS REQUIRED BY THE STATE FOR OTHER
2 PUBLIC SCHOOLS; AND

3 (II) OTHER ASSESSMENTS MUTUALLY AGREEABLE TO THE COUNTY
4 BOARD AND THE SCHOOL; AND

5 (5) A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE
6 IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE
7 IMPLEMENTED.

8 (C) A PUBLIC CHARTER SCHOOL AND A COUNTY MAY AMEND THE TERMS OF
9 THE CONTRACT ONLY BY WRITTEN MUTUAL AGREEMENT.

10 9-110.

11 (A) A PUBLIC CHARTER SCHOOL SHALL EXIST WITHIN THE SCHOOL DISTRICT
12 THAT IS GOVERNED BY THE COUNTY BOARD THAT ISSUED THE CHARTER TO THE
13 SCHOOL.

14 (B) A PUBLIC CHARTER SCHOOL SHALL OPERATE UNDER THE DIRECT
15 SUPERVISION OF THE COUNTY BOARD IN ACCORDANCE WITH THE CHARTER
16 GRANTED TO THE SCHOOL AND THE PROVISIONS OF LAW GOVERNING OTHER
17 PUBLIC SCHOOLS IN THE COUNTY.

18 9-111.

19 (A) A PUBLIC CHARTER SCHOOL SHALL:

20 (1) BE OPEN TO ALL STUDENTS IN THE COUNTY ON A SPACE AVAILABLE
21 BASIS; AND

22 (2) SELECT STUDENTS TO ATTEND BY THE USE OF A LOTTERY IF MORE
23 STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES
24 AVAILABLE.

25 (B) A PUBLIC CHARTER SCHOOL SHALL GIVE PRIORITY IN ENROLLMENT TO:

26 (1) A SIBLING OF A STUDENT WHO ATTENDS THE SCHOOL;

27 (2) IF AN EXISTING PUBLIC SCHOOL CONVERTS TO A PUBLIC CHARTER
28 SCHOOL UNDER § 9-105 OF THIS TITLE, A STUDENT WITHIN THE SCHOOL
29 ATTENDANCE AREA AS DETERMINED BY THE COUNTY BOARD; AND

30 (3) IF A SCHOOL IS ESTABLISHED BY A PARENT OR GUARDIAN OF A
31 CHILD WHO ATTENDS A PUBLIC SCHOOL IN THE COUNTY, THE CHILD OF THAT
32 PARENT OR GUARDIAN.

33 (C) A PUBLIC CHARTER SCHOOL MAY NOT TAKE ANY ACTION THAT WOULD BE
34 ILLEGAL IF THE ACTION WERE UNDERTAKEN BY A COUNTY BOARD.

1 (D) UNLESS APPROVED BY THE COUNTY BOARD, A PUBLIC CHARTER SCHOOL
2 MAY NOT CHARGE TUITION OR OTHER FEES THAT ARE NOT CHARGED BY A PUBLIC
3 SCHOOL IN THE COUNTY.

4 9-112.

5 (A) A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO
6 ENROLL IN A PUBLIC CHARTER SCHOOL.

7 (B) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY
8 TIME.

9 (C) A STUDENT AT A PUBLIC CHARTER SCHOOL SHALL BE SUBJECT TO THE
10 SAME DISCIPLINARY RULES AND REGULATIONS AS A STUDENT AT A PUBLIC SCHOOL.

11 (D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE
12 REMAINING FUNDS ALLOCATED BY THE COUNTY BOARD FOR THE STUDENT FOR THE
13 CURRENT ACADEMIC YEAR SHALL REVERT TO THE COUNTY BOARD.

14 9-113.

15 (A) SUBJECT TO THE APPROVAL OF THE COUNTY BOARD, A PUBLIC CHARTER
16 SCHOOL MAY BE LOCATED IN:

17 (1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;

18 (2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL; OR

19 (3) ANY OTHER SUITABLE LOCATION.

20 (B) (1) UNLESS A WAIVER IS GRANTED TO A PUBLIC CHARTER SCHOOL
21 UNDER § 9-108 OF THIS TITLE, THE FACILITY THAT CONTAINS THE SCHOOL SHALL
22 CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL FACILITIES.

23 (2) A WAIVER OF HEALTH OR SAFETY REGULATIONS FOR THE FACILITY
24 MAY NOT BE GRANTED.

25 (C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH
26 PUBLIC FUNDS.

27 (D) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE PUBLIC FUNDS FOR
28 CAPITAL IMPROVEMENTS TO THE FACILITY IN WHICH THE SCHOOL IS LOCATED
29 UNLESS:

30 (1) THE FACILITY IS OWNED BY THE COUNTY BOARD; AND

31 (2) THE COUNTY BOARD REQUESTS THE FUNDS FOR THE FACILITY AS
32 PART OF ITS PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM
33 REQUEST.

1 9-114.

2 (A) FOR A FISCAL YEAR, A PUBLIC CHARTER SCHOOL SHALL RECEIVE, FOR
3 EACH STUDENT ENROLLED IN THE SCHOOL, THE PER PUPIL BASIC CURRENT
4 EXPENSE FIGURE CALCULATED UNDER § 5-202 OF THIS ARTICLE.

5 (B) A PUBLIC CHARTER SCHOOL MAY NEGOTIATE WITH THE COUNTY BOARD
6 FOR ADDITIONAL FUNDING.

7 9-115.

8 (A) A PUBLIC CHARTER SCHOOL AND THE PARENTS OR GUARDIANS OF
9 STUDENTS WHO ATTEND THE SCHOOL SHALL BE RESPONSIBLE FOR THE
10 TRANSPORTATION OF THE STUDENTS TO AND FROM THE SCHOOL.

11 (B) A PUBLIC CHARTER SCHOOL AND A COUNTY BOARD MAY NEGOTIATE THE
12 TRANSPORTATION OF STUDENTS WHO ATTEND A PUBLIC CHARTER SCHOOL.

13 9-116.

14 (A) A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL
15 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

16 (B) A CERTIFICATED OR NONCERTIFICATED EMPLOYEE OF A PUBLIC
17 CHARTER SCHOOL SHALL BE DEEMED AN EMPLOYEE OF THE COUNTY AND SHALL
18 RETAIN:

19 (1) THE OPTION OF JOINING OR REMAINING A MEMBER OF THE
20 APPROPRIATE EMPLOYEE BARGAINING UNIT;

21 (2) ALL RIGHTS AND RESPONSIBILITIES THAT EXIST UNDER THE
22 APPLICABLE COLLECTIVE BARGAINING CONTRACT BETWEEN THE COUNTY BOARD
23 AND THE EMPLOYEE REPRESENTATIVE; AND

24 (3) ALL EMPLOYMENT RIGHTS UNDER COUNTY, STATE, AND FEDERAL
25 LAW.

26 9-117.

27 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS
28 VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC
29 CHARTER SCHOOL.

30 (B) IF THE COMPLAINT IS NOT RESOLVED BY THE PUBLIC CHARTER SCHOOL
31 TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT
32 THE COMPLAINT TO THE COUNTY BOARD.

33 (C) (1) THE COMPLAINANT MAY APPEAL THE DECISION OF THE COUNTY
34 BOARD TO THE STATE BOARD AS PROVIDED IN § 4-205 OF THIS ARTICLE.

1 (2) THE DECISION OF THE STATE BOARD ON AN APPEAL UNDER
2 PARAGRAPH (1) OF THIS SUBSECTION IS FINAL.

3 9-118.

4 (A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE RENEWAL OF A
5 CHARTER GRANTED UNDER THIS TITLE.

6 (B) (1) A COUNTY BOARD SHALL GRANT AN INITIAL CHARTER FOR A PUBLIC
7 CHARTER SCHOOL ESTABLISHED UNDER THIS TITLE FOR A PERIOD OF UP TO 4
8 YEARS.

9 (2) A COUNTY BOARD MAY RENEW A CHARTER FOR SUBSEQUENT
10 PERIODS OF UP TO 5 YEARS.

11 9-119.

12 (A) (1) A COUNTY BOARD SHALL CONDUCT AN ANNUAL ASSESSMENT OF A
13 PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE
14 EDUCATIONAL GOALS ESTABLISHED UNDER ITS CHARTER.

15 (2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED
16 ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER §
17 9-109(B) OF THIS TITLE.

18 (B) (1) TO FACILITATE THE ANNUAL ASSESSMENT UNDER SUBSECTION (A)
19 OF THIS SECTION, A PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL
20 REPORT AND STUDENT PERFORMANCE REPORT TO THE COUNTY BOARD AT A TIME
21 AND IN A FORM PRESCRIBED BY THE COUNTY BOARD.

22 (2) THE PUBLIC CHARTER SCHOOL SHALL MAKE THE REPORT
23 AVAILABLE TO THE PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE
24 SCHOOL.

25 (C) A COUNTY BOARD SHALL HAVE ACCESS TO THE FACILITIES AND TO THE
26 RECORDS OF A PUBLIC CHARTER SCHOOL CHARTERED BY THE COUNTY BOARD.

27 9-120.

28 (A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE REVOCATION
29 OF A CHARTER GRANTED UNDER THIS TITLE.

30 (B) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER
31 SCHOOL OR PLACE THE SCHOOL ON PROBATIONARY STATUS:

32 (1) IF THE SCHOOL HAS NOT FULFILLED A CONDITION IMPOSED BY THE
33 COUNTY BOARD IN CONNECTION WITH THE GRANTING OF THE CHARTER;

34 (2) IF THE SCHOOL HAS MATERIALLY VIOLATED A CONDITION,
35 STANDARD, OR PROCEDURE OF THE CHARTER;

1 (3) IF THE SCHOOL HAS VIOLATED ANY PROVISION OF THIS TITLE, OF
2 ANY REGULATION ADOPTED UNDER THIS TITLE, OR OF ANY OTHER LAW THAT
3 RELATES TO A PUBLIC CHARTER SCHOOL;

4 (4) IF THE SCHOOL FAILS TO MEET GENERALLY ACCEPTED STANDARDS
5 OF FISCAL MANAGEMENT;

6 (5) IF THE SCHOOL FAILS TO MEET THE STUDENT ACADEMIC
7 PERFORMANCE REQUIREMENTS CONTAINED IN THE CHARTER;

8 (6) IF TWO-THIRDS OF THE FACULTY AND INSTRUCTIONAL SUPPORT
9 PERSONNEL AT THE SCHOOL REQUEST THAT THE CHARTER BE REVOKED; OR

10 (7) FOR OTHER GOOD CAUSE SHOWN.

11 (C) (1) IF THE COUNTY BOARD PLACES A PUBLIC CHARTER SCHOOL ON
12 PROBATIONARY STATUS, THE COUNTY BOARD SHALL ESTABLISH A DATE BY WHICH
13 THE SCHOOL SHALL IMPLEMENT A REMEDIAL PLAN.

14 (2) IF THE COUNTY BOARD FINDS THAT THE SCHOOL HAS NOT
15 IMPLEMENTED A SATISFACTORY REMEDIAL PLAN BY THE ESTABLISHED DATE, THE
16 COUNTY BOARD MAY REVOKE THE CHARTER.

17 (D) A PUBLIC CHARTER SCHOOL MAY APPEAL THE REVOCATION OF THE
18 CHARTER BY THE COUNTY BOARD TO THE STATE BOARD.

19 (E) (1) THE STATE BOARD SHALL RENDER ITS DECISION WITHIN 90 DAYS OF
20 THE RECEIPT OF THE APPEAL.

21 (2) THE DECISION OF THE STATE BOARD IS FINAL.

22 (F) WHEN A CHARTER IS REVOKED, THE COUNTY BOARD MAY RECOVER THE
23 PROPERTY OF THE PUBLIC CHARTER SCHOOL THAT IS OWNED OR PROVIDED BY THE
24 COUNTY BOARD FOR OTHER PUBLIC SCHOOL PURPOSES.

25 9-121.

26 IN CONSULTATION WITH THE COUNTY BOARDS, THE STATE BOARD SHALL
27 ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,
29 2006, based on information gathered from the county boards of education, the
30 Baltimore City Board of School Commissioners, members of the educational
31 community, and the public, the State Board of Education shall submit to the General
32 Assembly, in accordance with § 2-1246 of the State Government Article, a report on
33 and an evaluation of the public charter school program. The report shall include a
34 recommendation on the advisability of the continuation, modification, expansion, or
35 termination of the program.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2003.